

11 4. No boat shall be anchored away from the shore and left un-
12 guarded unless it is attached to a legal buoy.

1 SEC. 34. Driving over Ice. No craft or vehicle operating on the
2 surface of ice on the inland lakes and streams of this state and pro-
3 pelled by machinery in whole or in part, except ice-cutting machinery,
4 automobiles, motorcycles and trucks when such are used without
5 endangering public safety, shall be operated without a permit issued,
6 by the commission, for such operation. Any such permit issued may
7 be revoked by the commission if such craft or vehicle is operated in a
8 careless manner as endangers others."

Approved April 26, 1961.

CHAPTER 88

NONRESIDENT WATERCRAFT

H. F. 23

AN ACT relating to the use, operation or maintenance of watercraft in the waters of this state by nonresidents.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The use, operation or maintenance by any nonresident
2 of watercraft in the waters of this state, shall be deemed an appoint-
3 ment by such nonresident of the secretary of state as his true and
4 lawful attorney upon whom may be served all original notices of suit
5 growing out of such use, operation or maintenance or resulting in
6 damage or loss to person or property and said use, operation or main-
7 tenance shall be deemed an agreement by such nonresident that any
8 original notice of suit so served shall be of the same legal force and
9 validity as if personally served on him in this state.

1 SEC. 2. The term "person" as used in this Act means:
2 1. The owner of watercraft whether it is being used and operated
3 personally by said owner or by his agent.
4 2. An agent using and operating the watercraft for his principal.
5 3. Any person who is in charge of the watercraft and of the use
6 and operation thereof with the express or implied consent of the
7 owner.

1 SEC. 3. The original notice of suit filed with the secretary of state
2 shall be in form and substance the same as now provided in suits
3 against residents of this state, except that the part of said notice
4 pertaining to the return day shall be in substantially the following
5 form, to wit:
6 "and unless you appear thereto and defend in the district court of
7 Iowa in and for.....county at the courthouse in.....,
8 Iowa before noon of the sixtieth day following the filing of this notice
9 with the secretary of state, default will be entered and judgment
10 rendered against you."

1 SEC. 4. Plaintiff in any such action shall cause the original notice
2 of suit to be served as follows:

- 3 1. By filing a copy of said original notice of suit with said secretary
- 4 of state, together with a fee of two dollars, and
- 5 2. By mailing to the defendant, and to each of the defendants if
- 6 more than one, within ten days after said filing with the secretary
- 7 of state, by restricted certified mail addressed to the defendant at
- 8 his last known residence or place of abode, a notification of the said
- 9 filing with the secretary of state.

1 SEC. 5. The notification, provided for by this Act, shall be sub-

2 stantially in the following form, to wit:

3 "To.....(Here insert the name of each defendant and

4 his residence or last known place of abode.)

5 You will take notice that an original notice of suit against you, a

6 copy of which is hereto attached, was duly served upon you at Des

7 Moines, Iowa, by filing a copy of said notice on the.....day of

8, 19....., with the secretary of state.

9 Dated at....., Iowa, this.....day of....., 19....

10
11 Plaintiff

12 By.....
13 Attorney for Plaintiff"

1 SEC. 6. In lieu of mailing said notification to the defendant in a
2 foreign state, plaintiff may cause said notification to be personally
3 served in the foreign state on the defendant by any adult person
4 not a party to the suit, by delivering said notification to the defendant
5 or by offering to make such delivery in case defendant refuses to
6 accept delivery.

1 SEC. 7. Proof of the filing of a copy of said original notice of suit
2 with the secretary of state, and proof of the mailing or personal
3 delivery of said notification to said nonresident shall be made by
4 affidavit of the party doing said acts. All affidavits of service shall
5 be indorsed upon or attached to the originals of the papers to which
6 they relate. All proofs of service, including the restricted certified
7 mail return receipt, shall be forthwith filed with the clerk of the
8 district court.

1 SEC. 8. The foregoing provisions relative to service of original
2 notice of suit on nonresidents shall not be deemed to prevent actual
3 personal service in this state upon the nonresident in the time,
4 manner, form and under the conditions provided for service on
5 residents.

1 SEC. 9. Actions against nonresidents as contemplated by this Act
2 may be brought in the county of which plaintiff is a resident, or in
3 the county in which the injury was received or damage done.

1 SEC. 10. The court in which such action is pending shall grant
2 such continuances to a nonresident defendant as may be necessary
3 to afford him reasonable opportunity to defend said action.

1 SEC. 11. The secretary of state shall keep a record of all notices
2 of suit filed with him, shall not permit said filed notices to be taken
3 from his office except on an order of court and shall, on request,

4 and without fee, furnish any defendant with a certified copy of the
5 notice in which he is defendant.

1 SEC. 12. If judgment is rendered against the plaintiff upon the
2 trial of said action, said judgment shall include the reasonable ex-
3 penses incurred by the defendant and his attorney in appearing to
4 and defending against said action, provided that in the judgment of
5 the trial court said action was commenced maliciously or without
6 probable cause.

1 SEC. 13. The dismissal of an action after the nonresident has
2 entered a general appearance under the substituted service herein
3 authorized, shall bar the recommencement of the same action against
4 the same defendant unless said recommenced action is accompanied
5 by actual personal service of the original notice of suit on said defend-
6 ant in this state.

1 SEC. 14. Any contract insuring the liability of a nonresident oper-
2 ator of a motor boat in Iowa shall, in case of the death of said non-
3 resident, be considered an asset of his estate having a situs in Iowa
4 in any civil action arising out of an accident in which said nonresi-
5 dent may be liable.

Approved May 4, 1961.

CHAPTER 89

HUNTING BY ARTIFICIAL LIGHT

S. F. 166

AN ACT to prohibit use of artificial lights for hunting.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred nine (109), Code 1958, is hereby
2 amended by adding the following new section:

3 "It shall be unlawful to throw or cast the rays of a spotlight,
4 headlight or other artificial light on any highway, or in any field,
5 woodland or forest for the purpose of spotting, locating or taking or
6 attempting to take or hunt any animal, except raccoons or other fur-
7 bearing animals when treed with the aid of dogs, while having in
8 possession or control, either singly or as one of a group of persons,
9 any firearm, bow or other implement whereby game could be killed.

10 "Any person violating this section shall be punished by a fine of
11 not more than three hundred dollars or imprisonment in the county
12 jail for a period not to exceed thirty days."

Approved May 3, 1961.